
Preface

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It is no exaggeration to state that in the last 20 years we have seen a true ‘comparative law explosion’: as a result of increasing globalization and Europeanization, comparative law has become more and more important. This is not only true for the scholarly discipline of comparative law as such (where the focus is usually on methodology), but it is also true for specific areas of the law. The feeling among many legal academics now is that one can no longer write about, for example, tort law or constitutional law without involving at least some comparative aspect. But the importance of comparative law is not restricted to legal science. Also in legal practice, to attack a legal problem with a comparative approach has become en vogue. Legislators increasingly make use of foreign law in drafting new legislation and in more and more countries courts draw inspiration from abroad as well.

All this is a fortunate development for those who believe in an international legal science. However, it is often difficult to find one’s way in the now massive amount of doctrinal writings on comparative law. There are no recent reference works available in which an attempt is made to take stock of the discipline. The purpose of this encyclopedia is to provide such a reference work. It does so by providing a general readership with easily accessible articles in which stock is taken of present-day comparative law scholarship.

In this alphabetically ordered book the reader will find four types of entries. First, it contains a collection of 37 articles on specific areas of the law (criminal law, administrative law and so on) and on specific topics (accident compensation, privacy and so on). The contributors of these entries were asked to shed light on the ‘comparative’ state of affairs in their area. Second, this volume contains 12 entries on topics that deal with more methodological questions in comparative law (such as aims of comparative law, the idea of a European Civil Code, legal transplants). Third, there are contributions that deal at large with common law in general and with American, German, Japanese, Scots and Russian law. These legal systems were chosen for their importance in the comparative debate. Finally, 15 authors were asked to write a report about specific countries’ legal systems. These are short entries in which a set format is followed and in which, usually, material in English, German or French on these systems is mentioned.

To describe the current state of affairs within the word limit prescribed by the editor proved to be impossible for some topics. The length of these entries therefore extends beyond what was originally envisaged. Consistent with the idea of a reference work, all contributors were asked to add a list of references. The reader is thus able to use this book as a first entry into a field of law, a specific topic or a legal system.

It is easy to criticize an encyclopedia like this. First, a reference work in a rapidly emerging field like comparative law runs the risk of quickly being outdated. This is why the contributors were asked, not only to look at recent materials, but also to pay attention to the classic comparative 'canon' in their field. Second, no doubt other editors would have included topics not covered in the present volume or would even have left out topics that are now included. I fully agree that many other topics could have found a place in this book. It is only constraints of length – and, I must admit, editorial management – that have precluded me from including more topics. My hope is that, with regard to the topics that are included, the reader finds the entries just as valuable as the editor finds them to be.

Finally, I would like to express my gratitude to the 73 authors that participated in this project. It is thanks to their enthusiasm that this book could be produced. Thanks are also due to Renske van Dijken who, as a student–assistant at Maastricht University, provided invaluable help in the editing process.